

REMARKS/ARGUMENTS

In response to the Office Action mailed December 12, 2007, Applicants amend their application and request reconsideration in view of the proposed amendments and the following remarks. In this amendment, Claim 10 is proposed to be amended, no new claims have been added and no claims have been cancelled without prejudice so that Claims 10-14 remain pending. No new matter has been introduced.

Claim 10 was objected to for a minor informality that has been corrected through amendment. Accordingly, reconsideration and withdrawal thereof is respectfully requested.

Claims 10 and 11 were rejected as being anticipated by U.S. Patent No. 6,673,107 to Brandt. This rejection is respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

In independent claim 10, an intraluminal device is claimed. This device comprises multiple stent segments that have no physical connection in the expanded state. Brandt discloses stent segment that may be connected utilizing male struts and female struts as illustrated in Figures 9A-9E; however, Brandt also discloses a device with a full time physical link between sections. The present invention claims the physical isolation of stent segments. Since Brandt fails to disclose such feature, there can be no anticipation. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 12-14 were rejected as being unpatentable over Brandt in view of U.S. Patent No. 6,863,685 to Davila et al. (Davila). This rejection is respectfully traversed.

The MPEP, in section 706.02(j), sets forth the basic criteria that must be met in order to establish a *prima facie* case of obviousness.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. In re Vaeck, 947 F.2d,488,20 USPQ2d 1438 (Fed.Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.”

Section 2143.03 of the MPEP clarifies certain criteria in section 706.02(j).

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d

981, 180 USPQ 580 (CCPA 1074). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).”

None of the references, whether taken alone or in combination disclose or suggest the subject matter claimed in independent Claim 10 as described above. Accordingly, claims 11-14 which depend therefrom are allowable over the cited art for the reasons given above. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

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